



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/541,649

04/18/2006

Keith Randal Anderson

0074-524977

3414

110 7590 02/26/2009
DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

EXAMINER

KLAYMAN, AMIR ARIE

ART UNIT

PAPER NUMBER

3711

MAIL DATE

DELIVERY MODE

02/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<i>Office Action Summary</i>	Application No.	Applicant(s)	
	10/541,649	ANDERSON ET AL.	
	Examiner	Art Unit	
	AMIR KLAYMAN	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/18/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because: the abstract may not include other parts of the application or other material, i.e. drawing . The abstract in an application filed under 35 U.S.C. 111 may not exceed 150 words in length. Correction is required. See MPEP § 608.01(b) and Rule 1.72 Title& abstract.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 37-39 and 41-55 are rejected under 35 U.S.C. 102(b) as being unpatentable by Feuz US 5121695.

With respect to the claims below, references to the prior art appear in parenthesis.

Regarding claims 36-37, 42-46, 52-55, Feuz discloses: amusement ride (fig 1 and col 1, ln 5-15 a ride that practically known at sky sites); rotatable loop (col 1, ln 5-15 a cable revolving between stations); drive system (col 3, ln 23-30, the rpm of the moving cable 2 which has been driven by the drive system); passenger carrier (fig 1, chair 50); roller mechanism (fig 1, rollers 66; see col 4, ln 35-65); clamping mechanism (fig 1,

Art Unit: 3711

clamp 52; see col 4, ln 20-35); the control system of the passenger carrier (col 5, ln 25-67; and col 6, ln 1-20). With respect to claim 44, the structure limitation is been examine rather than its function, see examiner rational below (in claim 41).

Regarding claim 38, Feuz discloses: the electronic control system which revolved the cable 2 between the station in a giving rpm speed (col 3, ln 23-30); the manner which the system responsible of revolving the cable 2 in conjunction to the clamping system (col 5, ln 25-67& col 6, ln 1-20).

Regarding claim 39, Feuz discloses: an amusement ride operated in automatic manner (col 1, ln 1-47, wherein it is inherent in this type of ride to have a manual backup system in case of emergency or other situation).

Regarding claim 41 Feuz discloses: swivel mechanism (fig 1, with rollers 66 on top of wheels 8 or 6 or 10). As the court held while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997), MPEP 2114[R-1]; thus, Feuz structure, rollers 66 in conjunction with wheels 6 or 8 or 10, can generate a swiveling movement of carrier 50.

Regarding claim 47, Feuz, discloses: the assembly ride (col 1, ln 5-45, wherein it is inherent in this type of assemblies to have posts (stations) to support the cable).

Regarding claim 48, Feuz discloses: loading passenger (col 6, ln 1-5, passengers left the chair); free roll under gravity (col 1, ln 55-60, the transport device

Art Unit: 3711

(the chair) own weight will create the movement on top of wheels 6 or 8 or 10 (col 5, ln 25-67& col 6, ln 1-20; the carrier weight, the gravity forces, will cause it to move).

Regarding claim 49 Feuz discloses: the speed of the cable in conjunction with the speed of the carrier (col 3, ln 23-42).

Regarding claim 50, Feuz discloses: the cable rotating direction with the passenger direction (fig 1, cable 2 in direction 3, wherein passenger carrier direction indicate the chair movement according the numerical 50' to 50'' to 50''' ; see col 5, ln 25-67& col 6, ln 1-20).

Regarding claim 51, Feuz discloses: the clamping system (col4, ln 20-50), the speed of the cable in relation to the passenger carrier (col 3, ln 23-42), and the clamping method (col 5, ln 25-67& col 6, ln 1-20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feuz US 5121695 as applied to claim 36 above, and further in view of Pearson US 4003314.

With respect to the claims below, references to the prior art appear in parenthesis.

Regarding claim 40, Feuz does not disclose: a sensor, however Pearson discloses: sensor (fig 1A sensor 45; see col 4, ln 55-65). It would have been obvious at the time the invention was made to modify Feuz's ride assembly and to add the sensor as taught by Pearson, for the reason that a skilled artisan would be motivated to combining prior art elements (the sensor with the riding assembly) according to known methods to yield predictable results; thus, adding the sensor will result in predictable results of monitoring the ridding assembly via computerize system.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents and US published patent's applications regarding: cable transportation systems: Huard 6513440; Eisendle 6431080; Trassoff: 4669389, 4627361, and 4563955; Fernandez 41877784.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMIR KLAYMAN whose telephone number is (571)270-7131. The examiner can normally be reached on Mo.- Fr. (7:30AM-5:00PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene KIM can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

Art Unit: 3711

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AK/

2/23/09

/Gene Kim/

Supervisory Patent Examiner, Art Unit 3711